

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and the Estate
of Bernard L. Madoff,

Adv. Pro. No. 10-05184 (CGM)

Plaintiff,

v.

LAURA ANN SMITH REVOCABLE LIVING
TRUST; LAURA ANN SMITH, in her capacity as
Settlor and Trustee for the Laura Ann Smith
Revocable Living Trust; and LAURA ANN
SMITH, individually,

Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY
DISMISSAL OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C.

§§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and the Laura Ann Smith Revocable Living Trust and Laura Ann Smith in her capacity as Settlor and Trustee for the Laura Ann Smith Revocable Living Trust (“Defendants”) by and through her counsel, Helen Davis Chaitman (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 3, 2010, the Trustee filed and served the Complaint against Defendant [Dkt. No. 1].

2. On September 14, 2015, Defendant filed an Answer and Affirmative Defenses [Dkt. No. 42].

3. On January 14, 2021, the Parties referred this adversary proceeding to mediation. [Dkt. No. 93]. The parties were unable to reach a mutually satisfactory resolution of the disputes involved in the Adversary Proceeding.

4. On April 23, 2021, Defendant Laura Ann Smith filed her voluntary petition for relief under Chapter 7 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Middle District of Florida, Tampa division. *In re: Laura Ann Smith*, Case No. 8:21-bk-02021-CPM (the “Florida Proceeding”). On May 10, 2021, the Trustee filed a Notice Defendant’s Bankruptcy Filings and Imposition of the Automatic stay in this proceeding. [Dkt. No. 96].

5. On May 10, 2021, the Trustee filed a Proof of Claim in the Florida Proceeding on account of amounts asserted in the Complaint [Claim No. 1-1] totaling \$789,729.40.

6. On July 28, 2021, an Order of Discharge was entered in the Florida Proceeding granting a discharge to the Defendants.

7. On October 22, 2021, a Summary of Trustee’s Final Report and Applications for Compensation was filed in the Florida Proceeding indicating the Trustee’s general, unsecured claim would be allowed and paid out of the Chapter 7 estate.

8. On January 19, 2022, the Trustee received payment of \$3,586.58 in full satisfaction of his general, unsecured claim.

9. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee's claims against Defendant in the above-captioned adversary proceeding, and dismissing the adversary proceeding.

10. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

11. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic, or electronic copy of this Stipulation shall be deemed an original.

Dated: January 24, 2022
New York, New York

BAKER & HOSTELTER LLP

By: /s/ Nicholas J. Cremona
45 Rockefeller Plaza
New York, New York 10111
Telephone: 212.589.4200
Facsimile: 212.589.4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com

*Attorneys for Plaintiff Irving H. Picard, Trustee
for the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff Investment
Securities LLC and the Chapter 7 Estate of
Bernard L. Madoff*

Chaitman LLP

By: /s/ Helen Davis Chaitman
Helen Davis Chaitman
465 Park Avenue
New York, New York 10022
Telephone: 888-759-1114
Facsimile: 888-759-1114
Email: hchaitman@chaitmanllp.com

Attorney for Defendant

SO ORDERED.

Dated: January 26, 2022
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
Chief U.S. Bankruptcy Judge